



under penalty of criminal prosecution, from using a social networking site or an instant messaging or chat room program if the site or program can be accessed or used by persons under the age of 18.

- c. The claims of the plaintiff are typical of those of the class.
  - d. The plaintiff will fairly and adequately protect the interest of the class. Undersigned counsel is an appropriate person to be appointed class counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.
4. The further requirements of Rule 23(b)(2) of the Federal Rules of Civil Procedure are met here in that the parties opposing the class have at all times acted or refused to act on grounds that apply generally to the class, so that final injunctive relief and/or corresponding declaratory relief is appropriate respecting the class as a whole.
5. In further support of this motion the plaintiff separately submits his memorandum of law.

WHEREFORE, plaintiff requests that this case be certified as a class action, with the class as defined above, and that Kenneth J. Falk be appointed counsel for the class, and for all other proper relief.

/s/ Kenneth J. Falk  
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Certificate of Service

I hereby certify that on this 18<sup>th</sup> day of January, 2012, a copy of the foregoing was filed electronically with the Clerk of this Court. I was also mailed on this date to the following parties by first class U.S. postage, pre-paid.

City of Indianapolis, Indiana

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/s/ Kenneth J. Falk  
Kenneth J. Falk  
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